what an aboriginal right is and how these concepts relate to the situations found in Canada, Mexico and the United States are not directly examined anywhere in the book. This is a serious omission, especially for a book entitled Aboriginal Rights and Self-government.


Reviewed by Donald A. Grinde, Jr., University of Vermont

This book is a detailed and vigorous investigation of the relationship between the U.S. Constitution and Native American Nations and peoples. Asserting that federal Indian law is an inconsistent collection of Congressional Acts, treaties, judicial opinions, executive orders and administrative rulings that are connected arbitrarily by the fact that they have been utilized in some aspects of American Indian Law in the last two centuries, the authors muster a compelling case for their interpretation of the nature of Native American law in the United States. In chronicling the baffling and contradictory applications of American Indian Law, Deloria and Wilkins develop a strong and significant argument that the U.S. Constitution provides no legal rights for Native Americans. The authors then state that the upholding of Native American sovereignty and treaty-making rights is the most effective way to better Indian-white relations in the future.

The authors use a historical approach to muster their argument. The book starts out with an examination of sixteenth century European theories and then analyzes the Articles of Confederation period, the development of the U.S. Constitution and its various clauses as well as subsequent Constitutional Amendments and recent legal developments. Throughout this process, the reader is given a host of data, precedent and law that supports the authors' thesis that U.S. Indian law is a morass of inconsistencies that serves the colonizer well but not the colonized. While this may seem obvious to Native American historians and Native people that have lived under these laws, the law has had difficulty in dealing with the maddening and destructive paternalism that has been inherent in the development and implementation of American Indian Law. Hope-
fully, the study will help to clear away much of the confusion, duplicity and chicanery of the last two centuries.

No doubt, Deloria and Wilkins will be criticized for their advocacy of the American Indian sovereignty point of view in this analysis but most American Indian people will applaud their effort as long overdue. While this book could have been a *jeremiad* on American Indian law, the authors chose to provide us with some guidelines on how to do things better in future and that makes this work a constructive and excellent study of federal Indian law.

Aside from its historical analysis of U.S. treaty relations, the Postscript of the book discusses two very important 1999 U.S. Supreme Court decisions, *Minnesota v. Mille Lac Band of Chippewa Indians* (119 S. Ct. 1187) and *Puget Sound Shellfish Growers v. United States* (1999 U.S. Lexis 2504), which reaffirm the specific treaty rights Indian nations reserved to themselves in the 1800s. Deloria and Wilkins assert that these two cases, coming out of the conservative Rehnquist court, support their conclusion that the “treaty process is viable and ... [is] ... the clearest manner in which to identify and demarcate the rights of tribal nations” (p. 162).

Overall, this work gives the reader an excellent analysis of the treatymaking process and its historical relationship to the U.S. Constitution and its amendments. This book is interesting and yet challenging to read and quite informative for the general and specialized scholar. Essentially, this study is a significant contribution to the field and is a very useful theoretical work that will stimulate a lot of thought and debate on a most important topic for American Indian people. It is a must read for those interested in questions about American Indian rights and sovereignty.


Reviewed by Roger L. Nichols, University of Arizona